

## Coast Guard, DOT

## § 175.5

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AUTHORITY: 46 U.S.C. 4302; 49 CFR 1.46.

SOURCE: CGD 72-120R, 38 FR 8115, Mar. 28, 1973, unless otherwise noted.

### Subpart A—General

#### § 175.1 Applicability.

This part prescribes rules governing the use of boats on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States except:

- (a) Foreign boats temporarily using waters subject to U.S. jurisdiction;
- (b) Military or public boats of the United States, except recreational-type public vessels;
- (c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;
- (d) Ship's lifeboats.
- (e) Seaplanes on the water.

[CGD 72-120R, 38 FR 8115, Mar. 28, 1973, as amended by CGD 92-045, 58 FR 41607, Aug. 4, 1993]

#### § 175.3 Definitions.

As used in this part:

*Boat* means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

*Passenger* means every person carried on board a vessel other than:

- (1) The owner or his representative;
- (2) The operator;
- (3) Bona fide members of the crew engaged in the business of the vessel who

have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

*Racing shell, rowing scull, racing canoe, and racing kayak* means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

*Recreational vessel* means any vessel being manufactured or operated primarily for pleasure; or leased, rented, or chartered to another for the latter's pleasure. It does not include a vessel engaged in the carrying of six or fewer passengers.

*Sailboard* means a sail propelled vessel with no freeboard and equipped with a swivel mounted mast not secured to a hull by guys or stays.

*Use* means operate, navigate, or employ.

*Vessel* includes every description of watercraft used or capable of being used as a means of transportation on the water.

[CGD 92-045, 58 FR 41607, Aug. 4, 1993]

#### § 175.5 Exemption from preemption.

The States are exempted from preemption by Federal regulations when establishing, continuing in effect, or enforcing State laws and regulations on the wearing or the carriage of personal flotation devices directly related to the following subject areas within the jurisdictional boundaries of the State:

- (a) Children on board any vessel;
- (b) Operating a canoe or kayak;
- (c) Operating a sailboard; and
- (d) Operating a personal watercraft.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]